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OFFICE OF PETITIONS

In re	:
Nobuyuki Tonegawa	: DECISION ON APPLICATION
Application No. 09/875,856	: FOR PATENT TERM ADJUSTMENT
Filed: June 8, 2001	: AND
Patent No. 6,952,721 B2	: NOTICE OF INTENT TO ISSUE
Issued: October 4, 2005	: CERTIFICATE OF CORRECTION

This decision is in response to the "COMMENTS ON DETERMINATION OF PATENT TERM ADJUSTMENT", filed December 16, 2005, notifying the Office of an error in Patentees' favor in the determination of patent term adjustment under 35 U.S.C. § 154(b).

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED** to the extent indicated herein.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **seven hundred seventeen (717)** days.

On October 4, 2005, the above-identified application matured into U.S. Patent No. 6,952,721 B2. The patent issued with a Patent Term Adjustment of seven hundred sixty-eight (768) days.

The Office determined a patent term adjustment of seven hundred sixty-eight (768) days based on an adjustment for PTO delay of seven hundred seventy-six (776) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), reduced by applicants' delay of five (5) days pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b) and three (3) days

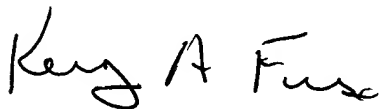
pursuant to 35 U.S.C. 154(b)(2)(C)(i) and 37 C.F.R. §1.704(c)(10).

A review of the application reveals that the applicant delay of three (3) days is incorrect. Applicants were assessed delay under §1.704(c)(10) for the filing of a "Request for Priority Acknowledgment" on July 30, 2005. However, a review of the application file reveals that applicants filed the "Request for Priority Acknowledgment" on June 9, 2005, not July 30, 2005. Accordingly, applicant delay should have been assessed as fifty-four (54) days, not three (3) days.

Accordingly, issuance of a certificate of correction pursuant to 35 U.S.C. 254 and 37 CFR § 1.322 is appropriate. No petition fee was required and none has been charged. The Office thanks Patentees for their good faith and candor in bringing this matter to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 CFR 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **seven hundred seventeen (717)** days subject to any disclaimers.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Draft Certificate of Correction (1 page)